

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SHAWN HORNBECK, et al.)
each on behalf of himself and others)
similarly situated,)
Plaintiffs,)
v.) Case No. 4:18-CV-00523
TRACTOR SUPPLY COMPANY, and)
SMITTY'S SUPPLY, INC.,)
Defendants.)

**PLAINTIFFS' MOTION TO PROVIDE MAILED NOTICE
TO ADDITIONAL CLASS MEMBERS**

COME NOW PLAINTIFFS, by and through Class Counsel, and file this Motion to Provide Mailed Notice to Additional Class Members ("Motion"). In support of this Motion, Plaintiffs further state as follows:

1. The Parties to this Action reached a Class Action Settlement which provides substantial relief to Class Members who purchased SuperTrac 303 Tractor Hydraulic Fluid ("SuperTrac 303") in the State of Missouri between May 30, 2013 and the present.
2. The Settlement provides significant compensation payments to the Class Members through a Class Settlement Fund which will provide for at least a 50% return of purchase price for the units of SuperTrac 303 purchased in Missouri, and it also provide reimbursement for repairs, parts, and or specific damage to Class Members' tractors and equipment.
3. Pursuant to the Settlement, direct mailed notice was provided to those Class Members who purchased the SuperTrac 303 from Tractor Supply Company ("TSC"), if TSC records contained address information.
4. The Settlement also calls for information regarding other Class Members to be obtained, if

possible, from other retailers of the SuperTrac 303 product in Missouri. One such retailer, Cape Warehouse, had now provided a list of more than 500 Missouri purchasers of the SuperTrac 303. Class Counsel has obtained addresses for a large percentage of those purchasers.

5. Plaintiffs bring this Motion to provide these additional known Class Members with mailed notice of the Class Settlement.

6. The Class Member information provided by Cape Warehouse also includes the exact number of SuperTrac 303 purchases made by each. Each of those Class Members should thus be provided a claim process which does not require them to submit a Claim Form for the Part A, purchase price relief if the amount of purchases obtained from Cape Warehouse is accurate for that Class Member. As part of this Motion, Plaintiffs attach as Exhibit A the Direct Mailed Notice Form and the Request for Correction Form that Plaintiffs propose to constitute the mailed notice to these additional Missouri SuperTrac 303 purchasers. (Note that these Class Members will have to submit a Claim Form if they wish to apply for the additional Part B relief for repairs, parts, or specific damage to equipment.)

7. The Settlement Administrator has confirmed the appropriateness of the proposed mailed notice to these additional Class Members and process proposed. RG/2 has also confirmed that the costs of said additional notice can be paid out of the existing funds for notice and settlement administration, and there will be no additional funds required of Defendants. The Declaration of the Settlement Administrator, including the cost estimate, is attached as Exhibit B.

8. Plaintiffs propose the Settlement Administrator mail this notice to additional Class Members on or before January 20, 2020.

9. Defendants have been provided a copy of this Motion, but Defendants have not yet indicated to Plaintiffs whether they have any opposition to the Motion.

WHEREFORE, Plaintiffs respectfully request an Order of this Court approving the mailed notice to additional Class Members and process set forth herein and on Exhibit A.

Date: January 7, 2020

Respectfully Submitted,

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& CARR, L.L.C

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**ATTORNEYS FOR PLAINTIFFS
AND CLASS MEMBERS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the United States District Court for the Western District of Missouri, with notice of case activity to be generated and sent electronically by the Clerk of the Court to all designated persons this 7th day of January, 2020.

/s/ Dirk Hubbard